IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 5712-M of 2007

DATE OF DECISION : 27.02.2007

Sunder Lal

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Harkesh Manuja, Advocate,
for the petitioner.

Mr. Partap Singh, Senior DAG, Haryana.

Petitioner Sunder Lal has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 173 dated 3.8.2006 under Sections 323/324/326/302/34 IPC, registered at Police Station Kundli, District Sonepat.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 23.1.2007, passed by Additional Sessions Judge, Sonepat, whereby bail application of the petitioner has been dismissed.

In this case, on the statement of Krishan, father of deceased Sanjay, the aforesaid FIR was registered, in which it was clearly alleged that in the alleged occurrence, three accused, namely Bijender, Rajender and Govind alias Pandu participated and the main injuries to the deceased were caused by Rajender accused. Counsel for the petitioner contends that as far as petitioner is concerned, he was not named in the FIR. Subsequently, on the statements of above accused, he has been implicated on the allegation that he also caused injury to eye witness namely Krishan. Counsel contends that in the statement of Krishan recorded under Section 161 Cr.P.C., he did

not mention any thing about causing any injury by the petitioner. However, counsel for the respondent-State contends that subsequently, supplementary statement of Krishan was recorded, in which he named the petitioner to have inflicted injuries to him.

Undisputedly, no injury has been caused by the petitioner to the deceased and he is in custody since 11.8.2006. Counsel for the petitioner contends that not even a single prosecution witness has been examined and the trial is not likely to conclude soon. These material facts have not been disputed by the State Counsel.

In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 27, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**